

Amendment No. 1 to HB3659

Coleman
Signature of Sponsor

AMEND Senate Bill No. 3428*

House Bill No. 3659

by deleting the following language in Section 1 of the printed bill:

§ 6-54-1006.

(a) Each administrative hearing officer shall be appointed by the local governing body for an indefinite term and serve at the pleasure of the appointing governing body.

(b) An administrative hearing officer must be one (1) of the following:

- (1) Licensed building inspector;
- (2) Licensed plumbing inspector;
- (3) Licensed electrical inspector;
- (4) Licensed attorney;
- (5) Licensed architect; or
- (6) Licensed engineer.

§ 6-54-1007.

(a) Each person appointed to serve as an administrative hearing officer shall, within the six-month period immediately following the date of such appointment, participate in a program of training conducted by the municipal technical advisory service, referred to in this part as MTAS. MTAS shall issue a certificate of participation to each person whose attendance is satisfactory. The curricula for the initial training shall be developed by MTAS with input from the department of commerce and insurance.

(b) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. MTAS shall

develop the continuing education curricula and offer that curricula for credit no less than twice per calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this part. No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(c) MTAS has the authority to set and enact appropriate fees for the requirements of this section. A municipality shall bear the cost of the fees for administrative hearing officers serving their jurisdiction.

(d) Costs pursuant to this section shall be offset by fees enacted.

and by substituting instead the following:

§ 6-54-1006.

(a) Each administrative hearing officer shall be appointed by the local governing body for an indefinite term and serve at the pleasure of the appointing governing body.

(b) An administrative hearing officer shall be one (1) of the following:

- (1) Licensed building inspector;
- (2) Licensed plumbing inspector;
- (3) Licensed electrical inspector;
- (4) Licensed attorney;
- (5) Licensed architect;
- (6) Licensed engineer; or
- (7) Administrative Law Judge of the Administrative Procedures

Division, Office of the Tennessee Secretary of State.

§ 6-54-1007.

(a) Each person appointed to serve as an administrative hearing officer shall, within the six-month period immediately following the date of such appointment, participate in a program of training conducted by the University of

Tennessee's Municipal Technical Advisory Service, referred to in this part as MTAS. MTAS shall issue a certificate of participation to each person whose attendance is satisfactory. The curricula for the initial training shall be developed by MTAS with input from the administrative procedures division, office of the Tennessee secretary of state. MTAS shall offer this program of training no less than twice per calendar year.

(b) Each person actively serving as an administrative hearing officer shall complete six (6) hours of continuing education every calendar year. MTAS develop the continuing education curricula and offer that curricula for credit no less than twice per calendar year. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this part. No continuing education hours from one (1) calendar year may be carried over to a subsequent calendar year.

(c) MTAS has the authority to set and enact appropriate fees for the requirements of this section. A municipality shall bear the cost of the fees for administrative hearing officers serving their jurisdiction.

(d) Costs pursuant to this section shall be offset by fees enacted.

AND FURTHER AMEND by deleting the following language from Section 1 of the printed bill:

§ 6-54-1009.

(a) Upon receipt of a citation issued pursuant to § 6-54-1008, an administrative hearing officer shall within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator not to exceed five hundred dollars (\$500) per day.

and by substituting instead the following:

§ 6-54-1009.

(a) Upon receipt of a citation issued pursuant to § 6-54-1008, an administrative hearing officer shall within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the hearing officer has the authority to levy a fine upon the alleged violator not to exceed five hundred dollars (\$500) per day. Any fine levied by a hearing officer must be reasonable based upon the totality of the circumstances.